

Reclamation Manual

Reclamation Acquisition Regulation System

401 DM Addition to FAR & DIAR

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WBR PART 1417

SPECIAL CONTRACTING METHODS

SUBPART WBR 1417.2 -- OPTIONS

WBR 1417.280 Options under terminations for default.

Unexercised options remaining under a contract terminated for default shall be considered as undelivered quantities when repurchasing against the contractor's account.

SUBPART WBR 1417.5 -- INTERAGENCY ACQUISITIONS UNDER THE ECONOMY ACT**WBR 1417.501 Definition.**

"Interagency acquisition," as used in this subpart, and defined in FAR 17.5 includes supplies or services obtained from another bureau or office within the Department.

WBR 1417.502 General.

(a) It is Reclamation's policy not to place Government agencies in direct competition with commercial contractors for furnishing supplies or services.

(b) The Department of the Interior approved a class deviation on February 16, 1996, which permits Reclamation's CCO's to make the Economy Act determinations prescribed in FAR 17.502 and DIAR 1417.502 for actions of \$500,000 or less.

(c) Determinations above \$500,000 made under FAR 17.502 shall be submitted to the BPC for approval.

WBR 1417.503 Determination and findings requirements.

The requisitioner is responsible for furnishing the information required by FAR 17.503 and this section to the CO for use in preparing the determination.

WBR 1417.504 Ordering procedures.

(a) Interagency acquisitions awarded under this subpart shall be assigned procurement instrument identification numbers pursuant to Subpart WBR 1404.81.

(b) A register of interagency acquisitions awarded under this subpart shall be maintained pursuant to WBR 1404.8111-4(b).

SUBPART WBR 1417.80 -- CONTRACTS FOR GIFTS, ENTERTAINMENT OR AWARDS**WBR 1417.8001 Scope of subpart.**

This subpart establishes general guidance on contracting for gifts, entertainment or non-monetary awards. The coverage is based on decisions of the Comptroller General which address limitations on the specific purposes for which appropriated funds may be expended. Due to the changing nature of the subject matter covered in this subpart and the regulations which govern or affect it, advance coordination with certain offices is required as prescribed in WBR 1417.8003.

WBR 1417.8002 Definitions.

"Entertainment," as used in this subpart, means food (including formal meals, drinks, snacks, refreshments), receptions, banquets, live or recorded music, live artistic performances, and recreational facilities.

"Non-monetary award," as used in this subpart, means a medal, certificate, plaque, citation, badge, or other similar item that has an award or honor connotation and can be worn or displayed.

WBR 1417.8003 Procedures.

(a) In determining whether appropriated funds may be used to contract for gifts, entertainment, or non-monetary awards, the CO shall determine in writing that the acquisition requirement --

(1) Is specifically set forth in an appropriation act; or

(2) Pursuant to 31 U.S.C. 628, is reasonably necessary to accomplish an authorized purpose or statutory function by --

(i) Making a direct contribution to carrying out either a specific appropriation or an authorized Reclamation function for which a general appropriation is available;

(ii) Not being prohibited by law; and

(iii) Not being within the scope of another more specific appropriation.

(b) Requisitions for purchase of gifts, entertainment, or non-monetary awards shall include written documentation to be maintained in the purchase file verifying that the conditions in subparagraphs (a)(1) or (a)(2) above exist. The documentation shall also contain evidence of review and concurrence of the requirement as follows --

(1) By the servicing personnel office (SPO), or other office as may be directed by the SPO, for all proposed purchases pertaining to entertainment under paragraphs (c) through (f) of WBR 1417.8005;

(2) By the SPO for all proposed purchases, or other offices as may be directed by the SPO for awards under WBR 1417.8006(b); and

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WBR 1417.8006

(3) By the regional safety officer for all proposed purchases of safety awards under WBR 1417.8006(c).

(c) Requisitions which do not contain the documentation required by paragraph (b) above shall not be processed until all documentation has been received by the CO.

(d)(1) Questions regarding purchases made pursuant to this subpart shall be referred to AAMS, D-7800.

(2) Questions regarding entertainment expenses under subparagraph (a)(2) and paragraphs (c) through (f) of WBR 1417.8005, and use of non-monetary awards under the Government Employees Incentive Awards Act (see WBR 1417.8006(b)) shall be referred to the SPO.

(3) Questions regarding non-monetary safety awards under WBR 1417.8006(c) may be referred to the regional safety office.

WBR 1417.8004 Gifts.

Appropriated funds shall not be used to acquire gifts unless expenditure is authorized in accordance with the procedures in WBR 1417.8003. Items to be distributed to individuals for the purpose of enhancing morale, generating conversation at a conference, increasing support for a program, or motivating seminar or volunteer participants to take future actions, are in the category of personal gifts and are generally not a necessary and proper use of appropriated funds.

WBR 1417.8005 Entertainment.

(a)(1) Appropriated funds shall not be used to pay for entertainment unless the expenditure is authorized in accordance with the procedures in WBR 1417.8003. Entertainment is a personal expense and is not normally necessary to accomplish the purpose(s) of an appropriation.

(2) Procedures for employees to obtain approval for accepting entertainment at widely-attended functions, using form DI-1958, are contained in WBR 1403.101-3(b).

(b)(1) Except as authorized in paragraphs (d) and (f) below, appropriated funds shall not be used to pay subsistence or to purchase entertainment for employees at their official duty stations, even when working under unusual circumstances, since these costs are personal expenses and are prohibited under the Federal Property Management Regulations.

(2) Unless specifically authorized, appropriations are not available to purchase coffee-makers and cups (or other food devices), or to serve refreshments (including coffee), to employees or private individuals attending meetings or ceremonies.

(c) Pursuant to 5 U.S.C. 4109, appropriated funds may be used to purchase employee meals if determined necessary to achieve the objectives of an authorized training program under the Government Employees Training Act. Meals may also be purchased for non-Government speakers participating in authorized training programs as an expense of conducting the training.

(d)(1) Pursuant to 5 U.S.C. 4110, appropriated funds may be used to purchase meals for employees authorized to attend non-Government sponsored meet-ings or conferences (including those held at official duty stations) which are concerned with official agency functions or activities or which contribute to improved management of agency functions or activities.

(2) Charges for meals provided at non-Government meetings or conferences are allowable if
--

(i) A single fee is charged for the meeting or conference which covers both attendance and meals, or

(ii) A separate fee is charged for meals and all of the following conditions exist:

(A) Meals are incidental to the meeting or conference;

(B) Attendance of the employee at the meals is necessary for his or her full participation in the business of the meeting or conference; and

(C) The employee is not free to partake of meals elsewhere without being absent from essential formal discussions, lectures, or speeches whose subject is the purpose of the meeting or conference.

(e) Pursuant to 5 U.S.C. 5946, appropriated funds cannot be used to purchase entertainment at a meeting or convention of members of a society or association unless authorized under specific statutory authority or paragraph (c) or (d) above.

(f) Appropriated funds may be used to purchase --

(1) Refreshments at major awards presentations when considered a necessary expense to enhance the ceremony;

(2) A live artistic performance as an authorized part of an equal employment opportunity program if --

(i) It is intended to advance the objectives of the program; and

(ii) It consists of a number of different types of presentations to make the audience aware of the culture or ethnic history being celebrated; or

(3) Small samples of ethnic food are furnished, as a separate event from meals or refreshments, in connection with an equal opportunity program.

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WBR 1417.8006 Non-monetary awards and promotion items.

(a) Policy. Appropriated funds shall not be used to purchase non-monetary awards, or items used to promote Government-sanctioned campaigns, unless expenditure is authorized in accordance with the procedures in WBR 1417.8003.

(b) Incentive awards under the Government Employees Incentive Awards Act (GEIAA).

(1) Policy. (i) Pursuant to 5 U.S.C. 4503, non-monetary awards may be given to employees who perform special acts or services in the public interest in connection with, or related to, their official employment.

(ii) Awards to employees for participation in, or contributions made in connection with, Government-sanctioned campaigns, are not authorized by GEIAA.

(2) Honor awards. (i) Honor awards typically take the form of a medal, plaque, certificate, or bowl and are granted --

(A) For significant one-time achievements of an individual or group or for sustained outstanding career achievements of an individual;

(B) By a competitively-based review of nominations; and

(C) By a senior official at an annual or special awards ceremony.

(ii) Medals, pins, and certificates for Department of the Interior major honor awards shall only be acquired for the Personnel Management Division, D-4500.

(3) Other non-monetary awards. (i) Other non-monetary awards typically take a variety of forms including, but not limited to, a suitably engraved desk pen, clock, tray, jacket, scarf, or shirt with an emblem and/or logo. These awards are granted --

(A) For contributions of minor impact or benefits;

(B) Generally not on the basis of a review of nominations; and

(C) Generally by the first line or the next higher level of supervision.

(ii) Merchandise items of a utilitarian nature, having intrinsic value, such as radios, televisions, or cameras shall not be purchased for awards because they do not engender an award concept.

(4) Promotion items. Appropriated funds may be used to purchase suitable promotional items for employees who submit suggestions in order to fulfill the purposes of GEIAA.

(c) Safety awards. (1) Policy. Appropriated funds are authorized and directed to support organized safety promotion in order to reduce accidents and injuries. Reclamation's policy is to recognize individual and/or group safety performance achievements through issuance of appropriate awards.

(2) Authority. The Federal Employee's Compensation Act of 1949 (5 U.S.C. 8101 et seq.) authorizes Federal agencies to develop, support, and foster organized safety promotion to reduce the number of accidents and injuries, encourage safe practices, and eliminate work hazards and health risks.

(3) Procedures. Procedures for the establishment of a safety awards system for safety performance achievement awards are contained in Reclamation Instructions, Series 350, General Instructions, Part 365, Occupational Safety and Health.

(d) Government-sanctioned campaigns. Appropriated funds may be used to the extent necessary to reasonably demonstrate support for Government-sanctioned campaigns (e.g., Combined Federal Campaign; United States savings bond campaign) through activities such as --

(1) Preparing and distributing campaign materials, publicizing, or promoting the campaign;

(2) Issuing awards to employees or offices carrying out activities in support of the campaign; or

(3) Issuing plaques or certificates to offices which meet or exceed their campaign goals (which do not identify particular employees based on their individual contributions and, therefore, do not present the potential for coercion of individuals who do not contribute).

SUBPART WBR 1417.81 -- LEASE OF REAL PROPERTY**WBR 1417.8100 Authority.**

Reclamation is authorized to acquire space by lease in buildings and land incidental thereto only under the circumstances listed in 48 CFR 101-18.104 and subject to the limitations in 48 CFR 101-18.105. The regulations contained at 48 CFR Part 570 may be utilized to acquire space by lease.